

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Glenn Tuttle,

Plaintiff,

v.

City of Travelers Rest, South Carolina;
Tim D. Christy; and Dianna Gracely,

Defendants.

C/A No. 6:06-cv-02307-GRA

ORDER
(Written Opinion)

This matter is before the Court for a ruling on Plaintiff's Motion to Remand. After hearing oral arguments on September 25, 2006, and reviewing relevant federal law, this Court hereby GRANTS Plaintiff's Motion to Remand and remands this case to state court for further proceedings.

Plaintiff Tuttle filed this action in Greenville County Court of Common Pleas on June 22, 2006, seeking damages and relief for violation of procedural due process under South Carolina Code §8-17-130 and for wrongful discharge. Defendants filed a Notice of Removal on August 16, 2006, removing this action to federal court. Defendants alleged Plaintiff's cause of action arises under 42 U.S.C §1983. Plaintiff subsequently moved on August 28, 2006, to remand this action.

Federal law clearly establishes the right of plaintiffs to choose their forum. "[P]ursuant to the well-pleaded complaint rule, the plaintiff is the master of his claim, and he may avoid federal jurisdiction by exclusive reliance on state law." *Burbage v.*

Richburg, 417 F. Supp. 2d 746, 749 (D.S.C. 2006) (citations omitted). Based on the well-pleaded complaint rule, this Court holds that Plaintiff's complaint asserts no federal question, and Plaintiff's claims are properly brought under state law.

It is therefore ORDERED that Plaintiff's Motion to Remand is GRANTED.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

September 27, 2006